



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,047	01/29/2001	Jennie Ching	1501P/BC999066	7262

7590 03/10/2005

SAWYER LAW GROUP LLP
P.O. Box 51418
Palo Alto, CA 94303

EXAMINER

BUI, KIEU OANH T

ART UNIT	PAPER NUMBER
----------	--------------

2611

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/773,047

Applicant(s)

CHING ET AL.

Examiner

KIEU-OANH T BUI

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 13, 15, 24 and 26-35 is/are rejected.
- 7) ☒ Claim(s) 5-12, 14, 16-23, 25 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01/29/2001</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.*

2. Claims 1-4, 15, and 26-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Peled et al. (U.S. Patent Pub No. 2002/0016831 A1).

Regarding claims 1 and 15, Peled discloses “a method for object retransmission from a central site to a receiver, the method comprising the steps of: (a) receiving a plurality of objects in the receiver from the central site; (b) generating a response document in the receiver; (c) sending the response document to the central site asynchronously; and (d) determining which of the plurality of objects to retransmit to the receiver based upon the response document”, i.e., user 102 or receiver 102 receives a plurality of offering products and services from vendor 101 via a central site ISP 107 (Fig. 1), yet he/she chooses or selects to order only a preferred item(s) or object(s) from the vendor, and the user’s request is responded by the vendor based on the requested object or item, see page 1, par. 0009-0011, page 7/par. 0187-0189).

Art Unit: 2611

As for claim 2, in view of claim 1, Peled further discloses “wherein the determining step (d) further comprises the steps of: (d1) determining which objects to retransmit to a zone, the zone including a plurality of receivers; and (d2) determining which objects to retransmit to the receiver”, i.e., contents are delivered to the user based on geo-location of the users for different regions to satisfy the needs of the users, see page 1, par. 0009-0010).

As for claims 3 and 4, in view of claim 2, Peled further discloses “wherein the central site further comprises a scheduler module for scheduling objects for transmission” and “(e) instructing the scheduler to retransmit the objects based upon step (d1) and step (d2)” (page 3, par. 0062-0065 for time sensitivity for accurate responding to the users based on the user requests regarding as the scheduling process, also referring to page 8/par. 0198 for video-on-demand for scheduling a program based on the user’s request).

As for claims 26-35, these claims referred to same limitations as addressed earlier are rejected for the reasons given in the scope of claims 1-4 as discussed above.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 13 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peled et al. (U.S. Patent Pub No. 2002/0016831 A1) in view of Wiser et al. (U.S. Patent No. 6,385,596 B1).

Regarding claims 13 and 24, Peled does not disclose: “a Content File List, the Content File List listing a receiver’s inventory of objects”; however, Wiser teaches an exact same technique in including a Content File List within the receiver for storing the inventory of objects (Fig. 2 shows media data file with table of contents and other attributes for content file list, see col. 8/lines 9-18). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Peled’s system with Wiser’s detailed technique in using Table of Contents as Content File List in order to navigate easily through the stored contents. The motivation for doing this is to offer a quick access to the content media files.

Allowable Subject Matter

5. Claims 5-12 and 16-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter:

The prior art does not further suggest the method of claims 1-2, 15 AND further including the step of “wherein the plurality of objects further comprises asset files and system support files, wherein the asset files are media files and the system support tiles further include an upcoming playlist”. Dependent claims 6-12 (of claim 5) and 16-23 (of claim 15) are allowable based on this reason.

7. Claims 14 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter:

The prior art does not further suggest the method of claim 1 & 13 AND further including the step e) including steps e1-e4 as cited in claim 14 and as claimed in claim 25.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ireton (US Pub 2002/0077984 A1) discloses a digital media distributor system.

10. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to: (703) 872-9306, (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park I.I., 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (703) 305-0095. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant, can be reached on (703) 305-4755.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Krista Bui
Art Unit 2611
March 02, 2005



KRISTA BUI
PATENT EXAMINER